

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/08/2020

UNITED STATES OF AMERICA,

Plaintiff,

-v-

\$12,860.00 IN UNITED STATES CURRENCY,

Defendant-*in-rem*.

20-CV-5189 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court has reviewed (1) an application filed by Jeffrey G. Pittell, Esq., dated September 18, 2020, to be appointed as George Bouyagian’s counsel in this case pursuant to the Criminal Justice Act (“CJA”) (Dkt. 4); and (2) a letter from Mr. Bouyagian, filed September 30, 2020, requesting the Court’s permission to proceed *pro se* in this matter and seeking additional time to “gather relevant documentation and sworn depositions, so that [he] might be better prepared to present [his] case,” given his incarceration (Dkt. 6). Mr. Bouyagian additionally has asked the Court to consider his September 30, 2020 letter as his “initial answer to the complaint within the time allotted.” (*Id.*).

In light of Mr. Bouyagian’s request that he be permitted to proceed *pro se* in this matter, it is hereby ORDERED that no later than October 13, 2020, Mr. Pittell advise the court whether it is his understanding that Mr. Bouyagian still wishes that Mr. Pittell be appointed counsel pursuant to the CJA in this matter.

The Court also notes that Mr. Bouyagian’s request that his September 30, 2020 letter serve as his “initial answer” to the complaint does not assert a valid interest in the defendant property, pursuant to Rule G(5)(i) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture

Claims. Pursuant to Rule G(5)(i), the claim of a person asserting an interest in the defendant property must: “(A) identify the specific property claimed; (B) identify the claimant’s interest in the property; (C) be signed by the claimant *under penalty of perjury*; and (D) be served on the government attorney designated under Rule G(4)(a)(ii)(C) or (b)(ii)(D)” (emphasis added). Accordingly, the Court will treat Mr. Bouyagian’s request for “additional time” as an application for the Court to extend the time by when he must claim an interest in the defendant property, pursuant to Rule G(5)(ii). Based on the Government’s representations in its September 24, 2020 status letter (Dkt. 5), the Court understands that the current deadline for Mr. Bouyagian to file a claim is October 15, 2020.

It is further ORDERED that the Government shall submit a letter by October 9, 2020 addressing: (1) whether the Government objects to Mr. Pittell’s CJA appointment in this manner and, if so, the basis for any objection; and (2) the Government’s position as to Mr. Bouyagian’s request for an extension of the October 15, 2020 deadline for him to assert a claim in the defendant property.

The Clerk of Court is respectfully directed to mail a copy of this Order, Mr. Pittell’s September 28, 2020 application for a CJA appointment (Dkt. 4) and the Government’s letter dated September 24, 2020 (Dkt. 5) to Mr. Bouyagian at the address specified in his letter filed on September 30, 2020 (Dkt. 6).

SO ORDERED.

Dated: October 8, 2020
New York, New York



JOHN P. CRONAN
United States District Judge